

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
THE PEOPLE OF THE STATE OF NEW YORK, :
by ANDREW M. CUOMO, Attorney General of :
the State of New York, and THE CITY OF NEW :
YORK, : No. 07 Civ. 8434 (GBD)
:
Plaintiffs, :
:
- against - : **DECLARATION OF**
:
MERCK & CO., INC., : **RANDALL M. FOX**
:
Defendant. :
----- X

RANDALL M. FOX, declares as follows:

1. I am a Special Assistant Attorney General in the Medicaid Fraud Control Unit of the Office of the Attorney General of the State of New York, attorneys for the State of New York. I am fully familiar with the facts set forth herein.

2. Attached hereto as Exhibit A is a true and correct copy of defendant's Notice of Removal, which includes a copy of plaintiffs' Complaint.

3. Attached hereto as Exhibit B is a true and correct copy of a slip opinion issued on May 10, 2006, by the United States District Court for the Western District of Texas in the case captioned *Texas v. Merck & Co.*, No. A-06-CA-232-LY.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

S/
RANDALL M. FOX

New York, New York
October 26, 2007